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The Res Gestae

Vol.36 No.10

The University of Michigan Law School

November 11, 1987

GEO Seeks to Represent Case Club Leaders

By Don Wheaton and Reid Rozen

Law students are part of the university, and they should be covered by the collective bargaining agreement," asserted Richard Dees of the Graduate Employment Organization, speaking of the recent efforts of that group to organize case club senior judges and junior clerks.

The Graduate Employment Organization (GEO) represents graduate students who teach and grade at the University of Michigan, and is affiliated with the L-CIO. The GEO has a collective bargaining agreement with the university, but senior judges and junior clerks are not represented by the organization and do not participate in the collective bargaining agreement or in contract negotiations.

The GEO, however, now maintains that the collective bargaining agreement should apply to senior judges and junior clerks. "The contract basically covers all grad students who teach at the U.," explained Dees. "It's not a crazy interpretation to think it covers law students."

At stake is a pay raise and possible benefits for both senior judges and junior clerks. Instead of being paid a flat rate per term, they will earn a salary based on how many hours per week they work.

Dees noted that the full-time equivalent (FTE) of university teaching assistants is \$7651 per semester. The FTE represents what a T.A. would earn working forty hours per week. Based on a 4-5 hour work week, a senior judge could earn \$763 per term under the current agreement with the university. That does not seem like much of a gain compared to the \$750 each senior judge makes now.

But if each senior judge were to work ten hours per week, their wages would increase to a little more than \$1,890. Moreover, each one would be qualified to receive health benefits, and, in addition, a tuition waiver equal to 22% of the in-state tuition, or roughly a tuition cost of only \$690 a semester.

If a junior clerk were to work only two hours per week, he or she would earn \$378 for the term, slightly less than the current \$400 compensation rate. On the other hand, if the clerk worked an additional three hours per week (a more realistic figure), the compensation would increase to \$935.

One difference that any eventual settlement would have to take into account is that senior judges currently receive academic credit for their jobs. Brent Taggart, a joint degree candidate in law and philosophy, and unofficial law school liaison for the GEO, noted that grad

students do not receive academic credit for being teaching assistants. "The current GEO contract does not explicitly address the situation where part of the compensation is in the form of credit hours," Taggart explained, and he added that this factor would have to be included in any calculation of senior judges' pay.

Apparently, nobody had previously thought to include law students among those covered by the terms of the GEO contract. "It's curious that this hasn't been brought up before," Dees commented.

Dees said that, in August, he approached Associate Dean Edward Cooper about including the senior judges and junior clerks under the GEO-UM collective bargaining agreement. The two men informally pursued the issue, and Dees reported that Cooper sent the matter to Law School personnel, where little or no action has been taken.

Perhaps not so coincidentally, after Dees met with Cooper, the salaries for both clerks and judges were hiked markedly: senior judges' salaries climbed from \$500 per term to \$750; junior clerks' salaries grew from \$250 to \$400 per semester. Dees mentioned that, at the time he met with Cooper, no such raises were discussed.

But what does the GEO have to gain? "We'll get a few more people in the

bargaining unit," Dees noted, "and yes, we'll receive a few more dollars in union dues. But if this were the only reason we're doing it, it might not be worth the hassle," added Dees. "It's really in the clerks' and judges' self-interest to pursue this." Union dues in the GEO are calculated as a small percentage of each person's salary. "I worked [sixteen hours per week], and my dues this term were only \$29," Dees explained.

Current efforts to inform the case club leaders has consisted of a letter sent last Thursday to the clerks and judges. "We're checking out the depth of interest at this point," said Dees. "It's just informal contacts, gathering up people as we go, seeing if the grievance is worth pursuing."

Dees referred to plans to file a grievance with the law school. A hearing would then take place between a representative of the school, a GEO rep, and a student rep. A response would later be written. "It's likely they'll refuse the grievance, and in that case, we'll take it to the university level," Dees explained.

Dees went on to say that the GEO would not stop at this stage. "The university can be pretty stubborn, so if the grievance fails there, we will file for binding arbitration."

Dean to Visit LS3, Courtade Blasts Tardy Senators

By Paul Czarnota

LSSS President Bruce Courtade announced at the Senate's November 9 meeting that Dean Lee Bollinger will visit the LSSS at its regular meeting next week, Monday, November 16. The dean will be discussing projects and issues he would like to see the Senate address, as well as meeting the Senators and seeing the body operate.

It was also announced that the LSSS violated its rules when it voted last week to delete references to the *Res Gestae* from its constitution. Courtade said that the document calls for two week public notice before a final vote on any changes could be taken. The president did note that the November 2 vote did, however, effect the changes desired in the elections code.

LSSS Secretary Bill Bock announced that Law School representative to the Michigan Student Assembly, Winston Lee, resigned his position. Bock noted that the MSA guidelines call on Courtade to nominate a replacement. Courtade said that he would consult with the Senate's Executive Board before announcing any decision. He also encouraged any students interested in the position to speak with him

or leave a message in the LSSS office, room 236 Hutchins Hall.

Debate during the meeting centered on ideas for the improvements and changes for the Law School. Courtade brought up the idea of establishing a "fly-back" week in the fall semester to ease the interviewing burden on second- and third-year students, and provide first-year students not already interviewing with a break to catch-up on work. He noted that his discussions with the administration uncovered no great opposition to the proposal, but that they would want solid student support for the plan. A similar idea was voted down by the students in the past.

First-year representative Chris Adams reported that he had met with Associate Dean Sue Eklund on the matter of student computer fees. He said that the dean was interested in the idea of getting the \$200 annual fee paid by law students pulled into the school for more equipment. Currently, all monies go to support facilities outside of the Law Quad. Adams wants to have the LSSS approve a resolution calling for return of the funds to the school, and to pass that on to the University administration. Discussion of the issue

touched on the possibility of getting Macintosh terminals and a printer for the Lawyer's Club, and the possibility of more equipment in the library. Stacy Anthony reported that Colin Zick, a fellow student in her section, has done work on expanding the computer resources available to law students and would appear before the Senate in the near future.

Summer starter rep John Moore brought up the idea of his constituents to obtain a billiards table for the Lawyer's Club. Courtade voiced his support for the plan, and requested that Moore research the capital necessary for the project. Other activities were proposed for the Club, including aerobics.

Moore also voiced the complaints he had received from student about the undergraduates who flood into the Reading Room. Moore reported that some students would like to have the undergrads totally restricted from the area, not just from half of the area during the last two weeks of the term. Courtade explained the history of this issue, and how other segments of the law school community thought excluding the undergrads from the law library was elitist, especially at a public institution. Courtade also implied that

some students had other reasons for wanting the younger academics around, but did not elucidate. The LSSS decided to poll the students on the issue, with job falling to Moore and 2L rep Brian Gearing.

Courtade reported that he, Danielle Carr, Stacy Anthony and 3L rep Jeff Crawford attended a Law School Committee on Racism luncheon meeting, instituted by Dean Bollinger, to look at the problem in the school. The group consists of faculty members, senators and members of the minority student organizations. The first meeting was Wednesday, November 4, and future meetings are planned.

Courtade concluded the meeting as he had begun, by reprimanding the Senators for showing up late or not at all for meetings. The LSSS has started its meetings late all semester, and Courtade again expressed his displeasure. Monday's meeting started about five minutes late due to lack of quorum. Only eight members were on hand for the meeting's start: Treasurer Anne Larson and Lawyer's Club BOG rep Yolanda Jones arrived late, while Vice-President Michael McMurray, 3L rep Jenny DeLessio, 3L rep Jeff Crawford and 2L rep Marija Willen were absent.

Res Gestae

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Solidarity Forever

THE RECENT EFFORTS of the Graduate Employment Organization to include senior judges and junior clerks under the coverage of the GEO collective bargaining agreement should be commended. The senior judges and junior clerks are the key to the success of the Writing and Advocacy program, but are underpaid in comparison with their counterparts in the university. They should be covered by the collective bargaining agreement.

What is troubling to us is that, apparently, the judges and clerks should have been included all along.

Perhaps the law school administration knew this fact, or at least suspected it. When the subject was first brought up, the school took the matter under advisement, which means it transferred the whole thing to another department where it was conveniently forgotten. Soon afterwards, the law school increased the salaries for judges and clerks.

We wonder if the school has tried both to avoid the issue of case club leaders unionization and to forestall that unionization by boosting salaries. If these actions were coincidences, we find them suspiciously coincidental.

We also wonder whether the law school was aware that it was employing students who arguably are covered by the GEO contract. To paraphrase Howard Baker, we would like to find out what the law school administration knew, and when the administration knew it.

If the law school administration knew that it was paying a substantially lower wage for the case club leaders than the GEO contract mandated, it should not stop at simply raising salaries to meet the contract standards. Reimbursement for lost wages is called for, both for current senior judges and junior clerks, but also for those who served as case club leaders in the past, and who should have been covered by the collective bargaining agreement.

The law school has perhaps revealed its opinion of the case club program by paying its student judges and clerks a sub-par wage. But there is probably no single group of law students who put so much effort into helping their colleagues and the law school than the case club leaders. It is about time that the administration showed its appreciation by conforming to the GEO contract.

EVER SMOKE POT? EVER CONSUME ALCOHOL IN PUBLIC? EVER RUN A RED LIGHT? EVER STICK GUM UNDERNEATH YOUR SEAT IN A MOVIE THEATRE? EVER PASS WIND AND BLAME YOUR LITTLE BROTHER?



SCREENING A POTENTIAL SUPREME COURT NOMINEE.

"Eyes on the Prize" Creates Blindspots

By Concerned Black Law Students

The Law School administration is currently sponsoring the showing of the "Eyes on the Prize," the brilliant television documentary on the civil rights struggle. The documentary depicts in graphic detail the overt acts of racism associated with this period of history, instilling a sense of horror and outrage in even the most reserved viewer.

I guess for anyone who is unenlightened or who needs to be reminded as to how overt racism actually used to be, the documentary serves a very useful purpose. The fear, however, is that some viewers may leave with a certain sense of satisfaction that racism is not as bad as it used to be and therefore one need not be as concerned about racism. Even worse, some may leave thinking that, to the extent that one needs to be concerned about racism, one needs only to be concerned with overt acts of racism, leaving those who are successful in creating a pretext for their racist acts unchallenged.

Part of the reason why some may leave the documentary without any sense of outrage at the more subtle acts of racism is due to a common misconception that subtle acts are less harmful than overt acts. The irony is that often the reverse is true: subtle acts are more harmful than overt acts of racism. For example, the classic overtly racist act of name calling is far less oppressive than a concerted effort to interfere with a Black student's studies in hopes of causing the student to live up to a racist expectation of doing poorly in class. Yet, the overt act will usually generate more outrage than the more subtle act because the result of the subtle act (Blacks with poor grades) is to be expected.

The problem of subtle racism is further complicated by the sophistication of the pretext used to hide it. The most clever way to hide one's motives is to use the power of association: intentionally to associate oneself with accepted non-racist phenomena with the purpose of diverting attention away from one's racist acts. There is an obvious anti-racist presumption created (albeit an unwarranted presumption) when one claims to be against Bork or for affirmative action, for example. This presumption makes it easy for the racist to carry on with subtle acts unchallenged as long as the basis for the presumption (anti-Bork or pro-affirmative action) is not violated.

Perhaps what's really needed is a new documentary which depicts the current dilemma facing Blacks in America. Such a documentary would show both the lingering acts of overt racism and the rise of subtle racism. Most importantly, this documentary would show that subtle acts are at least as equally oppressive as the overt counterpart and warrant the same level of outrage. Both forms of racism stem from the same racist ideology. With a new documentary, we may then be able to focus our "eyes on the prize" by eliminating the blindspots such focus creates. Only then will we be truly enlightened because we will have included in our vision the entire scope of the continuing civil rights struggle.

Editor's Note: The Lawyers Club will be hosting the series "Eyes on the Prize—America's Civil Rights Years, 1954 to 1965" on Thursday, Nov. 12, Tuesday, Nov. 17, and Thursday, Nov. 19. Each of the 55-minute films will be shown in the Lawyers Club Main Lounge at 6:00 p.m., and each film will be followed by a discussion.

Notices

Baseball Card Collectors - I am looking for others with older collections, precisely 1970s, as well as more recent cards to trade with. No advantage expected; not interested in selling my collection, but will buy cards. Interested parties contact Paul at the RG Office, 700B Legal Research, or call 763-0333.

Amendment to the LSSS Constitution—On Monday, November 23, the Law School Student Senate will consider a constitutional amendment to delete references to the Res Gestae from the LSSS Constitution and Bylaws. The Senate has already amended the Election Code to delete requirements that the Res Gestae publish election information. If you have comments or an interest in this issue, contact an LSSS member or attend the Senate meeting at 7:00 p.m. on Monday, November 23, in Hutchins Hall room 236.

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Feature

3d Year Horoscope

By Bob Mullen

Sagittarius: Seek to read entire TV Guide for upcoming week; might be helpful to make chart which includes afternoon and late evening. Don't hesitate to shift position when you feel couch sore coming on. Annoy parents and working friends by insisting that free time is overrated.

Taurus: Wear jeans to interview and make no excuses, just because you're not in the mood to. Interviewing in same city as love interest comes easy now, as do daydreams of barbecues and morning sickness. Take care to avoid acrimony when you accept elsewhere at last second.

Aquarius: Don't fall into trap of thinking your free time is now worth

\$100/hour; final year of vacation is in fact priceless. Important to determine how long it takes to drive the four blocks to class. Send out for pizza and leave half uneaten.

Pisces: Best bet for social life is chic, baggy clothing. Laughable gut or hips not likely to tighten up until routine of job avails regular workouts. Take cue from professors and fling hair over bald spots.

Leo: Good time to take stock of remaining pass/fail credits. Waste not, want not; check to make sure no one-credit courses offered. Consider buying rest of books, as may be handy for exams. Marvel at the expanse of years separating yourself from University freshmen.

Scorpio: Best to play golf now for sake of future. Ricochet may play prominent

role. If too impatient to keep clubs out of pond, don't fret--client development not your calling anyway. Observe swaying willows and long for career as greenskeeper.

Gemini: You continue to complete all assignments, not because you're interested, not because you're worried, but because you're an automaton. Devote grossly excessive time to Clinic. Wonder what 3L hype is all about.

Cancer: Playing more I-M sports than you have the rest of your life combined may be helpful. Go ahead and purchase pair of cleats. Kick yourself for not trying out for the scab Lions. Relearn lifestyle you haven't enjoyed since age six.

Capricorn: If interviewing heavily, revel in the multitude of places, of people, of possible futures for yourself. Hurry and live them all now, as the one you settle into might be too dull for words. See if buddy can come out and play.

Libra: You will engage in staring contest with closed text. Concentrate. Whoops, can't open it now--teen teaser on Showtime. Write name on inside cover

anyway. Good time to take up bowling to convince yourself you're doing something.

Virgo: You find ample time for introspection. Don't waste it thinking only of yourself; plenty of time later to find nothing there. Spend evening trying to think of a beer substitute. Go for long walk if helpful; remember to pick up a six on the way back.

Aries: Embrace opportunity to turn down flyback for ethical reasons, sparing you hardship of fetching car from lot and driving to airport. Rest easy; Fort Wayne offer may eventually come through mail. Start your day early--if nothing else, you'll want to take a shower.

If today is your birthday, you're a Scorpio. Not only that, but you repose luxuriantly between the two best holidays for eating, and thusly you live your life, reposing luxuriantly between meals and all else which stands in the way of immobility. You'd far better serve yourself and your country with a year in the military, and just might be willing, if not for the fact that you'd probably have to fill out some sort of application to get in.

Why I Wear What I Wear — Under

By Jimi Marshall

Note: The following article deals with intimate apparel and could be considered by some to be in extremely poor taste. In any event, parental discretion is advised.

It's a bright, cheerful day in the neighborhood. Awakening to the ridiculously loud alarm clock I have (if it weren't ridiculously loud it wouldn't wake me up), I do my morning sit-ups and stagger to the shower. My next task is by far the most important of the morning and sets the tone for the rest of the day: I choose what underwear I am going to wear.

Women have always had a little bit more flexibility in this area. As a young lad, I wore only standard-issue white fruit-of-the-looms. It's an easy habit to get into, is relatively inexpensive, and is pretty common among men. However, I finally got up the

nerve to buy some colored briefs that had "Playboy" written on the waistband. They came in a box of three; black, gray, and purple. I can still clearly remember a vague feeling of recklessness when I bought them, and of course tried them on the first thing I got home. They looked weird, but somehow cool.

Now I'm hooked. I still have a few plain old whites, but they mostly sit in my drawer and only come out for athletic stuff when I don't want to use the better stuff. My collection has all sorts of colors--although black is definitely predominant--and different types. All of them have specific uses.

Some are merely colored briefs. Those get worn whenever, and the colors are pretty standard, except for one pair that are hot pink and reserved for special occasions. If I'm not adventurous, these are the ones that get grabbed.

Then there's the bikini ones. My favorite is (are?) pink. Some of these have little Playboy bunny-heads on them (it?). Others have interesting patterns, such as pinstripes, plaid, or even paisley. That's right, you too can own red power underwear. For some reason, these seem to go best with jeans.

Boxer shorts are for when I wear a suit and don't want "panty lines" or whatever the male equivalent is called. I've been meaning to get a pair with U-M stuff on them when I go to football games, but never seem to remember to bring enough money.

Finally are the really skimpy things. They're called micro-briefs and I only have one pair of these so far (safari prints with leopard spots on them). These are definitely my favorites, even if they don't "support" me much. Let's face it: the pattern is just too cool.

The obvious big question is, why? After all, these things are expensive and I'll be the first to admit that it's not like I go around

showing people what underwear I've got on. Most of the time, the only person who knows is me.

Part of the answer is psychological. I gain some happiness by choosing a particular pair on a particular day. It can either reflect my mood or be an effort to change it. I realize that it's hard to explain why wearing L.A. Raiders boxer shorts can brighten up an otherwise dingy morning, but they sometimes do. And if you're feeling tough, then black bikini briefs only intensify that feeling.

There's also a feeling of humor about the whole situation. A private joke, perhaps, but a joke nonetheless. Having a serious discussion about some subject while wearing a bunny head on your upper-left thigh is really hilarious at times. Especially if you're talking about copyright and trademarks.

Colored underwear. Don't leave home without it.

Law In The Raw

BY DOUG GRAHAM AND TIM THOMPSON

From the Pitts

Pitt Law School supplied the following "first year oxymorons":

1. Case--what you buy at the beverage store
2. Civil--a behavior that students will never supply during finals
3. Cert--a breath freshening mint
4. Attractive nuisance--the blonde who sits in front of you in torts
5. Strawman--a freind of Dorothy and Toto's
6. Words of purchase--"That will be on my Visa"
7. Words of limitation--"You're over your limit"
8. Supra--a car manufactured by Toyota
9. Remainderman--the only person not in a study group
10. Detrimental reliance--using a 6 year old outline
11. Community property--a full pitcher of beer

--submitted by John Yomamoto

But Did He Receive His Minolta Warning?

Two officers extracted a confession from a suspect by advising him the Xerox machine was a lie detector.

First they put a colander--a salad strainer--over the suspect's head and wired it to the duplicating machine. Then, under the Xerox lid they place a slip of paper reading "He is Lying!" Every time the suspect answered a question, an officer would press the duplicating button and out would pop a Xeroxed "He is Lying!"

Finally shaken, the suspect told all. His confession was thrown out by a judge who was not amused.

--from the book *Disorderly Conduct*

Stop and Club

Police report description of arrest:

Defendant was confronted and he again failed to stop and when the officer attempted to stop him by the use of a baton around his neck, defendant freed himself and began moving toward the officer in a threatening manner. The officer struck defendant on the head with his baton. It was then observed that defendant appeared to be glassy eyed and had a distant stare commonly associated with people under the influence of PCP.

--From the book *Disorderly Conduct*